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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARIO ANTONIO SALCIDO,

Defendant.

CASE NO. 1:21-CR-00127-DAD-BAM
STIPULATION REGARDING MOTION
BRIEFING SCHEDULE; FINDINGS AND ORDER

IT IS HEREBY STIPULATED by and between the parties through their respective counsel, Assistant United States Attorney Antonio Jose Pataca, counsel for plaintiff, Timothy P. Hennessy, counsel for Mario Antonio Salcido, that the Court may establish a briefing schedule for a motion to suppress and set a hearing on such motion. In addition, counsel for defendant desires additional time to consult with his client, conduct further investigation, review the supplemental discovery, prepare for an evidentiary hearing, prepare for a possible trial, and to continue to explore a potential resolution of the case.

STIPULATION

1. Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate the motion briefing schedule be set as follows:

Defense motions due: **July 6, 2022**
Government's opposition due: **August 1, 2022**
Defense replies due: **August 22, 2022**
Hearing on motions **September 6, 2022**

2. The parties also agreed that the status conference currently set for July 13, 2022, be continued until September 14, 2022.

3. The parties agree that time within which trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 *et seq.*, shall be excluded on the following bases:

a. Counsel for defendant requires additional time to review discovery, consult with his client, conduct necessary investigation, and draft the motion to suppress. Counsel for defendant believe that failure to grant a continuance would deny him the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The government does not object to the continuance. Accordingly, pursuant to 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), the ends of justice served by continuing the case as requested outweigh the interest of the public and the defendants in a trial within the original date prescribed by the Speedy Trial Act.

b. The period of delay resulting from the filing of the motion to suppress, from the filing of the motion through the conclusion of the hearing on, or other prompt disposition of, such motion, is excluded in computing the time within which trial must commence pursuant to 18 U.S.C. § 3161(h)(1)(D).

c. Further, the parties stipulate that, pursuant to the Speedy Trial Act, 18 U.S.C. § 3161 (h)(1)(D), (h)(7)(A), (h)(7)(B)(i), and (iv), time shall be excluded in the interest of justice from June 13, 2022 up to September 14, 2022, to permit review of discovery, investigation, drafting and filing of motions and hearing on the motions, and preparation for trial.

d. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

1 IT IS SO STIPULATED.

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4 Dated: June 28, 2022

PHILLIP A. TALBERT
United States Attorney

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6 /s/ ANTONIO J. PATAKA
ANTONIO J. PATAKA
Assistant United States Attorney

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9 Dated: June 28, 2022

/s/ TIMOTHY P. HENNESSY
TIMOTHY P. HENNESSY
Counsel for Defendant
MARIO ANTONIO SALCIDO

ORDER

IT IS SO ORDERED that the status conference is continued from July 13, 2022, to **September 14, 2022, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 3161 (h)(1)(D), (h)(7)(A), (h)(7)(B)(i), and (iv). The motion briefing schedule be set as follows:

Defense motions due:	July 6, 2022
Government's opposition due:	August 1, 2022
Defense replies due:	August 22, 2022
Hearing on motions	September 6, 2022, at 9:00 am before District Judge Dale A. Drozd

IT IS SO ORDERED.

Dated: **June 29, 2022**

/s/ *Barbara A. McAuliffe*
UNITED STATES MAGISTRATE JUDGE